

**Montana State Senate
Senate Judiciary Committee**

SB 0318

2/1/07

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Good morning Senators,

I purchased the Smiling Gulch Ranch in Lincoln, Montana in 1990 in preparation for my retirement from Federal Service. The ranch included a hangar at Lincoln Airport which perfectly matched my lifetime desire to learn to fly, so I did just that, and have been flying since 1990. The primary purpose of my flying is recreational in the form of visiting recreational / backcountry airstrips throughout the western states for camping, hiking, fishing, photography, etc. With that in mind, I have become a member of state pilot organizations in six western states. While most recreational / backcountry airstrips are on public lands, a large number are on private land. These privately owned airstrips present to the landowner a concern with respect to liability when the use of the airstrip is offered to others.

In 2005 I created a private airstrip on my own ranch when Lincoln Airport was closed for reconstruction and I still wanted to be able to fly to and from Lincoln. During the past year and a half, my private airstrip has seen considerable use by other pilots including a fly-in barbecue last August which included 17 aircraft from several states across the nation and from as far away as Florida. While owners of private airstrips such as me enjoy sharing our facilities with others for recreational purposes, there is always the concern over liability. The amendment proposed by Senate Bill 318 will help relieve some of that concern.

While all 50 states have some form of Recreational Use Statute which gives some protection to the landowner when others are allowed access to and use of the land for recreational purposes without compensation, only Idaho includes aviation as a specified recreational activity, and its statute was only amended during the past year to make that inclusion. Recreational aviation is a growing user group of both public and private aviation facilities and as such is a growing contributor to local economies. Including aviation in the Montana Recreational Use Statute will recognize that growing community and encourage the owners of private airstrips to either open those airstrips to general public use or at least allow their use by others for recreational purposes on a permission basis without compensation.

While I am addressing the effect of this bill on private land owners, it should also be noted that these same protections will apply to state airports on public lands under similar situations.

In 2003 I facilitated the creation of the Recreational Aviation Foundation, a 501(c) (3) public charity, whose purpose and goal is to preserve, maintain, and create recreational / backcountry airstrips across the nation. The inclusion of aviation in state recreational use statutes will further contribute to that goal by giving owners of private airstrips some protection from liability when they allow use by others. I would be very pleased to see my home state of Montana be the second state to specifically include aviation in its recreational use statute.

I encourage you to favorably view the amendment proposed by Senate Bill 318.

Thank you.